

Participation

Abstract

The submitted thesis analyzes the institute of participation in the broader sense in Czech criminal law, thus except for participation in the narrower sense it focuses also on complicity. Participation is one of the most complicated topics of the general part of the criminal law while being currently one of the most relevant topics, since the number of criminal offences committed in cooperation is increasing. The purpose of the thesis is to critically evaluate current legal regulation of participation in the Czech Criminal Code and to suggest possible solutions to some of the identified drawbacks. This goal should be fulfilled not only by the analysis of Czech expert literature and case law, but also by the comparison with French and Belgian legal regulations of participation and by the analysis of relevant French and Belgian expert literature and case law.

Except for the introductory part and the conclusion the thesis is composed of four chapters, which are further divided. The first chapter focuses firstly on a criminal participation of more persons in the commission of criminal offences in general and the possibilities of their punishment. In this context the system of plurality of criminal offences and the system of unity of a criminal offence (also known as the dualistic and monistic system) are explained. In the following part of this chapter the difference between participation in the narrower sense and participation in the broader sense is defined and also conditions of the criminal liability are explained. The main attention is drawn to the definition of each form of participation and their distinction from complicity.

The second chapter is focused on legal regulation of participation in France. It briefly describes an evolution of legal regulation of participation in French criminal codes, than it explains the concept and the classification of criminal offences according to French legal theory and mentions the conditions of the criminal liability. The main part of the chapter focuses on types of offenders, the institute of complicity and the criminal liability of participants. Special emphasis is placed on the definition of each form of participation and their distinction from complicity.

The third chapter has the same structure as the second chapter, but deals with legal regulation of participation in Belgium. Same as in the previous chapter, special emphasis is primarily put on distinction of complicity from participation that really differs from Czech and French law.

The fourth chapter is based on findings from the analysis of Czech legal regulation of participation as well as from the comparison with French and Belgian legal regulations of participation and contains numerous proposals *de lege ferenda* that could solve some of the drawbacks of current regulation of participation.